

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

THE SUN PRODUCTS CORPORATION, a
Delaware corporation,

Plaintiff,
vs.

LOCK & LOAD INDUSTRIES, a California
limited liability company,

Defendant.

ORDER and
MEMORANDUM DECISION

Case No. 2:11-cv-316 CW

A court “must, *sua sponte*, satisfy itself of its power to adjudicate in every case and at every stage of the proceedings.” *State Farm Mut. Auto. Ins. Co. v. Narvaez*, 149 F.3d 1269, 1270-71 (10th Cir. 1998). In this action, Plaintiff The Sun Products Corporation invokes diversity jurisdiction pursuant to 28 U.S.C. § 1332, which requires complete diversity and an amount in controversy over \$75,000. As the court reviewed the complaint, however, it became clear that Sun Products has not alleged facts sufficient to show that the requirements of § 1332 are met.

Specifically, “for entities other than corporations,” the court’s ““diversity jurisdiction in a suit by or against [an] entity depends on the citizenship of . . . each of its members.”” *Penteco Corp. Ltd. Partnership-1985A v. Union Gas Sys., Inc.*, 929 F.2d 1519, 1523 (10th Cir. 1991) (internal quotations omitted, quoting *Carden v. Arkoma Assoc.*, 494 U.S. 185, 189 (1990)). Sun Products alleges that it is a Delaware corporation with its principal place of business in Connecticut. But Sun Products does not plead the state citizenship of any members of Defendant Lock & Load Industries LLC. Until Sun Products establishes that it is completely diverse from

all members of Lock & Load Industries, the court cannot conclude that it has diversity jurisdiction here.

Accordingly, Sun Products is ORDERED to show cause why this action should not be dismissed for lack of subject matter jurisdiction. Sun Products' response is due 10 days from the date of this Order. If Sun Products amends its complaint, it must do so within 10 days of this Order. If the court determines that diversity jurisdiction is present, it will set the pending motion to dismiss for a hearing.

SO ORDERED this 6th day of June, 2011.

BY THE COURT:



Clark Waddoups
United States District Judge